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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **David S. Garvey and Inigo Saenz de Tejada**

U.S. Application No.: **Not Yet Assigned**

Filing Date: **December 21, 2001**

Entitled: **Nitrosated and Nitrosylated Phosphodiesterase Inhibitor Compounds,
Compositions and Their Uses**

Attorney Docket No: **102258.326 US2**

ATTN: BOX PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Prior to consideration of the above application on the merits, please enter the following amendment without prejudice.

IN THE CLAIMS:

Attached hereto as Appendix 1 is a copy of the pending claims. Attached hereto as Appendix 2 is a copy of the amendments made to the claims.

Remarks

After entry of the preliminary amendment, claims 8-10 are pending in the application.

Claims 1-7 have been canceled, without prejudice.

Added claim 8 is identical to claim 1 of U.S. Patent No. 6,165,975, issued on December 26, 2000. Pursuant to 37 CFR § 1.606 and § 1.607, Applicants request that an interference be declared with U.S. Patent No. 6,165,975.

Added claim 9 is identical to claim 1 of U.S. Patent No. 6,306,841, issued on October 23, 2001. Pursuant to 37 CFR § 1.606 and § 1.607, Applicants request that an interference be declared with U.S. Patent No. 6,306,841.